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IOWA BOARD OF MEDICAL EXAMINERS  
**BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**JEFFERY L. ALLYN, M.D., RESPONDENT**

**No. 02-99-229**

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**STATEMENT OF CHARGES,**

**SETTLEMENT AGREEMENT and FINAL ORDER  
(combined)**

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COMES NOW the Iowa State Board of Medical Examiners ( the Board), and  
Jeffery L. Allyn, M.D., (Respondent), on July 15, 1999, and pursuant  
to Iowa Code sections 17A.10(2) and 272C.3(4), file this combined Statement of Charges,  
Settlement Agreement and Final Order.

**STATEMENT OF CHARGES**

1. Respondent was issued license number 25627 to practice medicine and surgery  
in Iowa on July 31, 1986. Respondent's Iowa medical license is valid and will next expire  
on November 1, 1999.

2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters  
147,148 and 272C.

## **COUNT I**

3. Respondent is charged under section 148.6(2)(i) of the Code of Iowa (1999) with violating a lawful order of the Board when he violated the terms and provisions of an Informal Settlement between the Respondent and the Board.

## **CIRCUMSTANCES**

4. On December 16, 1996, the Iowa Board of Medical Examiners approved a combined Statement of Charges and Informal Settlement, placing Respondent's Iowa medical license on five (5) years probation under certain terms and conditions for substance abuse.

5. Paragraph 7(b) of the Informal Settlement requires that, "The licensee shall not use any controlled or prescription drug in any form unless the controlled or prescription drug has been prescribed for the licensee's use by another duly licensed treating physician or other qualified treating health care provider."

6. On one or more occasion, Respondent used controlled or prescription drugs, including drug samples, without an appropriate prescription from a qualified treating health care provider, in violation of paragraph 7(b) of the Informal Settlement approved by the Board on December 16, 1996.

## **SETTLEMENT AGREEMENT**

7. Respondent admits the allegations contained in the Statement of Charges.

8. Respondent is hereby CITED for violating the terms and conditions of a Board Order. Respondent is hereby WARNED that violation of the terms and conditions

of a Board Order in the future may result in further formal disciplinary action against his Iowa medical license.

9. Upon the Board's approval of this Statement of Charges, Settlement Agreement and Final Order, Respondent shall be assessed a civil penalty in the amount of \$2,500. The civil penalty shall be paid within 20 days thereafter by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the state general fund.

10. Immediately upon the Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order, Respondent's Iowa medical license shall be placed on probation for a period of five (5) years under the following terms and conditions:

- a) Respondent shall not consume alcohol.
- b) Respondent shall not use any controlled or prescription drug in any form unless the controlled or prescription drug has been prescribed for the Respondent's use by another duly licensed treating physician or other qualified treating health care provider. Respondent shall inform any treating physician or other treating health care provider of his history of substance abuse prior to receiving any prescription drug.
- c) Respondent shall make arrangements with the Iowa Board of Medical Examiners drug screening program to provide random blood or urine specimens five times monthly. Respondent shall also provide random

blood or urine specimens on demand by an agent of the Board. The specimens shall be used drug and alcohol screening, all costs of which shall be paid by Respondent.

- d) Respondent shall meet with his Board approved aftercare physician or counselor at least weekly. Respondent shall within fourteen (14) days of the date of the Board's approval of this Informal Settlement, submit a written aftercare treatment plan from the aftercare counselor outlining the plan of treatment, including weekly meetings. The physician or counselor shall submit written quarterly reports to the Board concerning Respondent's treatment progress. The reports shall be filed with the Board not later than January 20, April 20, July 20 and October 20 of each year of Respondent's probation. Respondent shall continue with aftercare treatment until discharged from treatment by the Board approved physician or counselor and until Respondent's discharge from treatment is approved by the Board.
- e) Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Settlement Agreement, including attendance at meetings with his aftercare counselor. The reports shall be filed not later than January 10, April 10, July 10 and October 10 of each year of Respondent's probation.
- f) Respondent shall attend at least twelve (12) Board approved aftercare

meetings (Alcoholics Anonymous or other similar organization) monthly. Respondent shall append to each quarterly report referred to in subparagraph 10-e above, statements signed or initiated by another person in attendance at the meetings attesting to the Respondent's attendance. The statement shall include the time, date and location of the meetings attended.

- g) The Respondent shall make appearances before the Board or a Board committee annually or upon request. The Respondent shall be given reasonable notice of the date, time and location for the appearances.
- h) Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

11. In the event Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the duration of the Settlement Agreement and Final Order. Evidence that Respondent has failed to abide by the terms of subparagraphs 10-(a), 10-(b) or 10-(h) of this combined Settlement Agreement and Final Order while outside the state shall constitute a violation thereof.

12. In the event Respondent violates or fails to comply with any of the terms or conditions of this combined Settlement Agreement and Final Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

13. Upon full compliance with the terms of this combined Settlement Agreement and Final Order, and upon expiration of the period of probation, Respondent's Iowa medical license shall be restored to its full privileges free and clear of the terms of probation.

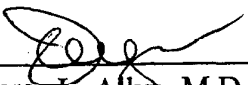
14. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

15. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

16. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

17. This combined Statement of Charges, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to either party.

18. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

  
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Jefferey L. Allen, M.D., Respondent

Subscribed and sworn to before me on 6-17, 1999.

Kimberly A. Gauchere  
Notary Public, State of Iowa



This Statement of Charges and Informal Settlement is approved by the Board on  
July 15, 1999.

Dale R. Holdiman MD  
Dale R. Holdiman, M.D., Chairperson  
Iowa Board of Medical Examiners  
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